IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Crl. Misc. No.80854-M of 2006

DATE OF DECISION:01.2.2007

Surinder Singh @ Shindi & Anr. .....Petitioners

Versus

State of Punjab .....Respondent

CORAM:- HON'BLE MR. JUSTICE SATISH KUMAR MITTAL

Present:- Shri Baldev Singh, Sr. Advocate
with Shri H.S. Dhindsa, Advocate
for the petitioners.

Shri N.S. Gill, AAG, Punjab.

****

Petitioners Surinder Singh @ Shindi, Sarpanch of the village and Gurmail Singh, brother of the deceased, have filed this petition under Section 439 Cr.P.C. for the grant of regular bail in case FIR No. 90 dated 20.9.2005 under Sections 302,323,324,325,326,341 and 506/34 IPC, registered at Police Station Sudhar, District Ludhiana.

I have heard counsel for the parties and gone through the contents of the FIR.

The aforesaid FIR was registered on the statement of one Balwant Singh, nephew of deceased-Ujagar Singh. In his version, direct allegation of attributing injuries to the deceased by Surinder Singh @ Shindi and his two brothers Mohinder Singh and Naginder Singh @ Kaka, has been made. After investigation, challan was filed only against Surinder Singh @ Shindi and his two brothers were found innocent.

Subsequently, a supplementary challan was filed against Gurmail Singh, brother of the deceased, on the allegation that after filing of the challan he gave an affidavit to the police confessing that he had caused injuries to the deceased because he was having enmity with his brother, though in the initial version given by Balwant Singh,

complainant, who was present at the time of occurrence, he did not figure anywhere.

After arguing the case for some time, counsel for the petitioners states that he does not want to press this petition qua petitioner No. 1 Surinder Singh @ Shindi.

Dismissed as not pressed qua petitioner No.1-Surinder Singh @ Shindi.

Regarding petitioner No.2-Gurmail Singh, who is in custody since 20.12.2005, counsel for the petitioner states that except an affidavit given by petitioner No.2 himself, there is no other evidence against him, the said affidavit, which according to the counsel is not admissible.

In view of the above, without expressing anything on the merits of the case, I deem it appropriate to grant regular bail to petitioner No.2-Gurmail Singh and he is accordingly ordered to be released on bail subject to his furnishing bail bonds to the satisfaction of trial Court.

February 01, 2007 **(SATISH KUMAR MITTAL)**
pooja **JUDGE**